Amendments to the Claims:
Amendments to the claims are reflected in the listing of claims below:

Listing of Claims:

1. (cancelled) An isolated DNA molecule comprising a MIP syntheses promoter

2. (cancelled) An isolated DNA molecule of claim 1 comprising base pairs 7-2064 of SEQ ID NO:2, or a fragment, genetic variant or deletion of such a sequence that retains the ability of functioning as a promoter in plant cells.

3. (cancelled) A fragment, genetic variant or deletion of the molecule of claim 3 that comprises at least 200 consecutive base pairs identical to 200 consecutive base pairs of the sequence defined by base pairs 7-2064 of SEQ ID NO:2.

4. (cancelled) An isolated DNA molecule having a 20 base pair nucleotide portion identical in sequence to a 20 consecutive base pair portion of the sequence set forth in base pairs 7-2064 of SEQ ID NO:2.

5. (cancelled) A DNA construct comprising a promoter operably linked to a heterologous nucleic acid sequence, wherein the promoter selectively hybridizes to SEQ ID NO:2.

6. (cancelled) The DNA construct of claim 12 wherein the promoter comprises base pairs 7-2064 of SEQ ID NO: 3.

7. (cancelled) A method of expressing a heterologous nucleic acid sequence in a plant comprising:

a) introducing into a plant cell a vector comprising a MIP synthase promoter operably linked to the heterologous nucleic acid sequence; and

b) regenerating a plant from said cell.

8. (cancelled) A method of producing seed comprising:

a) introducing into a plant cell a vector comprising a MIP synthase promoter operably linked to a heterologous nucleic acid sequence;

b) regenerating a plant from said cell; and

c) sexually transmitting said MIP synthase promoter operably linked to said heterologous nucleic acid sequence to progeny.

9. (cancelled) The method of producing seed of claim 13 further comprising the step of collecting the seed produced by said progeny.

10. (cancelled) A transformed plant comprising at least one plant cell that contains the DNA construct of claim 14.

11. (cancelled) Seed or grain that contains the DNA construct of claim 14.

12. (cancelled) An isolated DNA molecule comprising at least 200 consecutive base pairs of base pairs 7-2064 of SEQ ID NO:3, said DNA molecule having the ability to function as a promoter in plant cells.

13. (cancelled) An isolated DNA molecule of claim 12 comprising base pairs 7-2064 of SEQ ID NO:3.

14. (cancelled) A DNA construct comprising a heterologous nucleic acid sequence and, as promoter, the DNA sequence of claim 12 operably linked to said heterologous nucleic acid sequence.

15. (cancelled) A method for producing a transgenic plant comprising:

a) introducing into a plant cell a DNA construct that comprises a heterologous nucleic acid sequence and, as promoter, a DNA sequence of claim 12 that is operably linked to said heterologous nucleic acid; and

b) regenerating a plant from said cell.

16. (cancelled) A method of claim 15 further comprising

c) sexually transmitting said heterologous nucleic acid sequence and said operably linked promoter to progeny.

17. (currently amended) An isolated nucleic acid molecule comprising at least bases 1864-2064 of SEQ. ID. No:3~~or variants thereof, at least 200 bases of a nucleic acid sequence of said variants having at least 95% homology to bases 1864-2064 of SEQ. ID. No:3~~.

18. (currently amended) ~~The isolated nucleic acid molecule~~ A nucleic acid construct comprising the isolated nucleic acid molecule of claim 17 operably linked to a heterologous nucleic acid coding sequence.

19. (currently amended) An expression vector comprising the isolated nucleic acid molecule of claim ~~18~~ 17.

20. (previously presented) A transformed plant cell comprising the expression vector of claim 19.

21. (previously presented) Seed or grain that comprises the isolated nucleic acid molecule of claim 17.

22. (previously presented) A transgenic plant comprising at least one plant cell that contains the isolated nucleic acid molecule of claim 17.

23. (presently amended) An isolated nucleic acid molecule comprising bases 7-2064 of SEQ. ID. No: 3.

24. (currently amended) A method of producing plant tissue capable of expressing a heterologous nucleic acid sequence comprising:

introducing into at least one plant cell of the plant tissue a nucleic acid sequence comprising at least bases 1864-2064 of SEQ. ID. No: 3 ~~or variants thereof, at least 200 bases of a nucleic acid sequence of said variants having at least 95% homology to bases 1864-2064 of SEQ. ID. No:3.~~ operably linked to heterologous nucleic acid sequence.

25. (previously presented) The method of claim 24, further comprising regenerating said at least one plant cell into a plant.

26. (previously presented) The method of claim 25, further comprising producing at least one progeny of said plant selected for expression of the heterologous nucleic acid sequence.

27. (new) An isolated nucleic acid molecule comprising a nucleic acid with at least 95% homology to bases 1864-2064 of SEQ. ID. No:3.